



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
EASTERN DIVISION

BRYANT GUERRERO,	)	
	)	
Petitioner,	)	Case No. EDCV 15-2580-DDP(AJW)
	)	
v.	)	
	)	
KIM HOLLAND, Warden,	)	MEMORANDUM AND ORDER
	)	DISMISSING PETITION
Respondent.	)	

In 2010, petitioner was convicted of one count of lewd conduct with a child under the age of fourteen. He was sentenced to state prison for a term of eight years. [Petition at 1]. On April 21, 2015, petitioner filed a petition for a writ of habeas corpus in this Court challenging his 2010 conviction, and that petition was denied on the merits. Case No. EDCV 15-787-DDP(AJW). The present petition challenges the same conviction. Therefore, it is a successive petition.

"Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." 28 U.S.C. § 2244(b)(3)(A). Absent

1 authorization from the Court of Appeals, this Court lacks jurisdiction  
2 over a successive petition. See Magwood v. Patterson, 561 U.S. 320,  
3 330-331 (2010); Cooper v. Calderon, 274 F.3d 1270, 1274 (9th Cir.  
4 2001), cert. denied, 538 U.S. 984 (2003).

5 Because petitioner has not obtained leave from the Court of  
6 Appeals to file a successive petition, the petition is dismissed for  
7 lack of jurisdiction.

8 **It is so ordered.**<sup>1</sup>

9  
10 Dated: 4/5/16



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12 Dean D. Pregerson  
13 United States District Judge  
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24 <sup>1</sup> Ninth Circuit Rule No. 22-3(a) provides that "[i]f a second  
25 or successive petition or motion, or an application for  
26 authorization to file such a petition or motion, is mistakenly  
27 submitted to the district court, the district court shall refer it  
28 to the court of appeals." Because the circumstances indicate that  
petitioner intentionally filed this action in this Court, not that  
he did so mistakenly, Rule 22-3(a) is inapplicable. Nevertheless,  
the Clerk is directed to mail petitioner a copy of Ninth Circuit  
Form 12 so that he may file an application for leave to file a  
second or successive petition in the Court of Appeals.